

SUMMARY OF LEGISLATION RELATED TO AGING INTERESTS

ENACTED THROUGH 1995

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STATE DOCUMENTS



**Joint Legislative Committee on Aging
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Representative Patrick B. Harris, Chairman

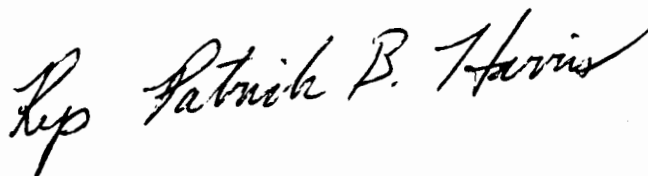
PREFACE

The first **Annual Report of the South Carolina General Assembly's Study Committee on Aging** in 1970 contained recommendations for "pertinent legislation to help our older citizens." By 1976 many of these recommendations had been implemented and that year the Annual Report contained a "Summary of Major Legislation and Recommendations of the Committee on Aging Which Have Been Implemented." Beginning in 1980 the status of legislation introduced by others was included. These summaries continued in the Annual Report until 1988 when a separate document was published. This revision is the eighth volume of the year-end **Summary of Legislation Related to Aging Interests** published by the Committee.

We appreciate the assistance of the Comptroller General, the Retirement Systems, the Department of Revenue and the Legislative Council in our effort to ensure accuracy. The Code of Laws of South Carolina citations are from the present code followed by the date in which the legislation was first enacted. Amendments are indicated by the Code citations and subsequent years. Some of the laws have been repealed. This is noted.

The efforts of the members of the General Assembly, the Governor, state agencies and our citizens to improve the quality of life for older South Carolinians are represented in this **Summary of Legislation Related to Aging Interests 1995**.

Our work continues. We appreciate your interest and support.

A handwritten signature in black ink that reads "Rep Patrick B. Harris". The signature is written in a cursive, flowing style.

Rep. Patrick B. Harris, Chairman
Rep. Dave C. Waldrop, Vice Chairman
Rep. Denny Woodall Neilson
Sen. Warren K. Giese
Sen. Ernie Passailaigue
Sen. Maggie W. Glover
Mrs. Gloria H. Sholin
Mr. Thomas D. Stilwell
Mr. Robert C. Wasson

July 1995

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ACCESS

SC Board for Barrier Free Design

The South Carolina Board for Barrier Free Design establishes, publishes and enforces minimum standards and specifications necessary to eliminate architectural barriers to governmental and public buildings and their facilities for the aged, disabled or physically handicapped (Code 10-5-230, 1974).

AGING COMMITTEE

Establishment of Permanent Committee

The Joint Legislative Committee on Aging is a legislative study committee established to study public and private services, programs and facilities for the aging, made permanent in 1978 (Concurrent Resolution 1959-1963, 1969-1978; Code 2-51-10, 1978).

Re-structuring

The Committee, chaired by a House member, becomes a House Joint Legislative Committee and staff becomes House employees (Appropriations Act, R.277, Act 164, 1993).

ALZHEIMER'S DISEASE and RELATED DISORDERS

Alzheimer's Disease and Related Disorders

Insurance: Long term care insurance must not exclude coverage for Alzheimer's Disease (SC Insurance Dept., Regulations 69-44).

Grants: \$100,000 in non-recurring funds is appropriated for FY 1994-95 for the Alzheimer's Resource Coordination Center. A portion shall be used for grants of up to \$10,000 each to local communities, with 100% cash or in-kind match, to assist persons who have Alzheimer's Disease and their families, to include respite care (Appropriation Act, Part I, Governor, Proviso 6DD.45, 1994). \$100,000 in recurring funds is appropriated for FY 1995-96 (Appropriation Act, Part IA, Section 6C, 17-Office of Executive Policy and Programs, Alzheimer's).

Registry: Health care facilities and providers may voluntarily participate in the Statewide Alzheimer's Disease and Related Disorders Registry maintained in the USC School of Public Health. An Advisory Council will be appointed (Code 44-36-10, 1990). An Act to change the name of the Alzheimer's Disease and Related Disorders Registry to the Alzheimer's Disease Registry, change the membership of the Advisory Committee to be the same as the Alzheimer's Resource Coordination Center Advisory Council and list duties, require an annual report, and provide a link with the Budget and Control Board Office of the Research and Statistics (Code 44-36-10, 1995).

Report: "The Gray Plague of the Twenty-First Century: Meeting the Needs of Individuals with Alzheimer's Disease, Their Families and Caregivers," was submitted by the Blue Ribbon Task Force on Alzheimer's Disease to the Joint Legislative Committee on Aging, November 4, 1993.

Resource Coordination Center for Alzheimer's Disease: The Alzheimer's Disease and Related Disorders Resource Center recommended by the Blue Ribbon Task Force is created in the Office of the Governor, Division on Aging, to provide statewide coordination, service system development, information and referral, and caregiver

support services. The Center shall be supported by an Advisory Council appointed by the Governor and is required to submit an annual report to the Committee on Aging and the General Assembly (Code 44-36-310, 1994). The members will also serve as members of the Alzheimer's Disease Registry (Code 44-36-10, 1995).

Studies: The Joint Health Care Planning and Oversight Committee in cooperation with the Joint Legislative Committee on Aging is directed to review the following as they relate to Alzheimer's Disease and Related Disorders: 1) State nursing home regulations; 2) State policies on financing and reimbursement of the costs of health care including respite care; and 3) policy changes which would improve the care of patients. This report was submitted to the Committees in December, 1986 (Appropriations Act 540, Part I, Section 174, 1986).

The Department of Health and Environmental Control will study if there is a need for specific licensing criteria for facilities which provide care units and other specialized programs for individuals with Alzheimer's Disease and Related Disorders. The findings are to be reported by January 1, 1996 to the Jt. Leg. Committee on Aging. (Joint Resolution, Act No. , 1995)

Task Force: The Joint Legislative Committee on Aging is directed to form a Blue Ribbon Task Force to study the planning, coordination and delivery of services to Alzheimer's victims and their families and to recommend an organizational structure to have primary responsibility for these functions and to report to the Committee by January 1, 1994 (Jt. Res., Act 195, 1993).

CHARITABLE ORGANIZATIONS

Charitable Organizations

Charitable organizations are defined; the manner, conditions and procedures under which solicitations of charitable funds may be undertaken are regulated (Code 33-56-10, 1994).

Injury and death claims brought against an organization due to acts of employees may only recover actual damages not to exceed \$250,000 (Code 33-56-180, 1994).

CONSUMER REPRESENTATION

Public Members

"Lay," "consumer," "public" members are added to the following boards: Hearing Aid Fitters and Dealers (Code 40-25-40, 1978), Insurance Commission (38-3-20, 1980), Chiropractic Examiners, (40-47, 1981), Dentistry (40-15-20, 1981), Medical Examiners (40-47-10, 1981), Nursing (40-33-210, 1981), Cosmetology Board (40-13-30, 1982), Occupational Therapy (40-36-60, 1982), Optometry (40-37-20, 1982), Pharmacy (40-43-10, 1981), Physical Therapy (40-45-30, 1982), Podiatry (40-51-30, 1982), Psychology (40-55-20, 1982), Speech Pathologists and Audiologists (40-67-80, 1982), Manufactured Housing Board (Code 30-17-90, 1983) and the Barber Examiners (40-7-30, 1992).

CRIME

Compensation of Victims of Crime

The Office of the Governor, Division of Victim Assistance, administers a program of financial assistance and awards to victims of crime (Code 16-3-1290, 1982, 1989, 1993).

Victim's Witness' Bill of Rights

This Bill of Rights is used as a guide to officials in establishing appropriate policies and procedures for the treatment and handling of victims and witnesses. State or local law enforcement agencies shall assume the costs for evidentiary collection in retrieving, towing or storing a stolen conveyance and costs for routine medical exams for victims of criminal sexual conduct, effective October 1, 1985. Victims and witnesses who are elderly have a right to special recognition and attention by all criminal justice, medical and social service agencies (Code 16-3-1530, 1984).

DIVISION ON AGING, OFFICE OF THE GOVERNOR

Advisory Council

As requested by the Division on Aging, Office of the Governor, the Advisory Commission shall be changed to read "Advisory Council." Its composition will be revised so as to have one member from each of the ten (10) planning and service areas under the Division on Aging and five (5) from the state-at-large appointed by the Governor, with the advise and consent of the Senate (Code 43-21-10,20, 1995).

Community Services Funding (ACE-Alternate Care for the Elderly)

The South Carolina Commission on Aging (Division on Aging, 1993) is designated to receive 12.5% of revenue generated through increases in the bingo admissions tax and license fees. Funds will provide in-home support services to the frail elderly (Code 12-21-3590(C), 1989).

Further regulations went into effect regarding the terms and manner of playing bingo (Code 12-21-3310, 1989).

Coordinating Council

Upon recommendation of the Legislative Audit Council, "A Limited Scope Review of Long Term Care and Related Services for the Elderly," the duties and responsibilities of the Coordinating Council (Code 43-21-120) are assumed by the Human Services Coordinating Council (Appropriation Act H.4820, Part I, 129.19, 1994).

Eldercare Trust Fund

The Eldercare Trust Fund dedicated to the development of home and community programs for the elderly is established under the SC Commission on Aging (Division on Aging, 1993)(Code 43-21-160, 170, 180, 1992).

Individual SC taxpayers may check-off a contribution to the Eldercare Trust Fund on their state income tax return (Code 12-7-2419, 1992, 1994).

All assets of the Eldercare Trust Fund, up to \$200,000, shall be available for disbursement after allowances for operating expenses rather than only 75% and funds in excess of \$200,000 must be deposited in a separate account until \$5M accrues.

Any assets held in the fund under the former provisions must be released and disbursed (Code 43-21-180, 1995).

Focal Point Designation

A local level of the state aging network shall be designated as a "focal point" by the area agencies on aging which constitute the regional level. Focal points are leaders relative to all aging issues in their communities whose primary responsibility is to carry out a comprehensive service system for older adults in their respective counties and who are recipients of funds through the Division on Aging (Code 43-21-45, 1994).

Long Term Care Ombudsman (see page 8)

Reconstitution of Commission, 1986

The South Carolina Commission on Aging shall be separated from the Office of the Governor. It is under the authority of a Commission which is comprised of one member from each congressional district (6) to be appointed by the Governor upon the advice and consent of the Senate, one member from the State at large to be appointed by the Governor, one legislator appointed by the Speaker and one appointed by the President of the Senate service as ex-officio. The Coordinating Council's membership is increased to add Parks, Recreation and Tourism, Health and Human Services Finance Commission, Commission on Alcohol and Drug Abuse, and the Commission on Women (Code 43-21-10; 43-21-120, 1986; REPEALED, 1993).

The member of the House appointed by the Speaker and the member of the Senate appointed by the President may no longer serve as a result of the ethics legislation (Code 8-13-770, 1991; REPEALED, 1993).

Re-structuring

The reconstitution of the SC Commission on Aging (Division on Aging, 1993) of 1986 was repealed. The South Carolina Commission on Aging (Division on Aging, 1993) becomes the Division on Aging, Office of the Governor. Commission members are terminated as of June 30, 1993 (Code 43-21-10-180, 1993).

Senior Center Funds

Included in the Appropriations Act 1991-92 is a provision for an increase in the bingo user fees, from \$8.00 to \$9.00 for Class AA games and \$2.00 to \$2.50 for Class B, which is estimated to bring in about \$1 million dollars a year. This money, up to \$8.7M, will be deposited with the State Treasurer to the SC Commission on Aging (Division on Aging, 1993) Senior Citizen Centers Permanent Improvement Fund and will be matched at 30% with local money to establish Centers in the 10 counties that do not have them; repair 35 centers, additions to 11 centers, establish 11 satellites and replace 7 centers. (Appropriations Act 171, Part II, Section 32; Code 12-21-3441, 1991).

The \$948,000 from the bingo taxes shall be deposited monthly in equal amounts with the State Treasurer (Code 12-21-3441, 1992).

DRIVERS' LICENSE

Drivers' License

The Department of Highways and Public Transportation, South Carolina Commission on Aging (Division on Aging, Office of the Governor, 1993) and the State Agency of Vocational Rehabilitation are directed to study the issuance and use of restricted drivers' licenses for the aging and persons with handicapping conditions. Report date: January 1, 1993 (Jt. Res., Act 304, 1992).

EDUCATION

Community Education Advisory Council

The Community Education Advisory Council is established to promote and coordinate the utilization of schools and other community facilities to meet the needs of the community including the "aged" (Code 59-44-50, 1976).

Free Tuition

State-supported colleges, universities and technical schools are authorized to permit eligible South Carolina residents who are at least 60 years of age to attend classes on a space available basis without payment of tuition provided that neither the persons nor their spouses are paid full-time employees (Code 59-111-320, 1974, 1978).

The provision which prevents eligibility if person or spouse is employed is deleted (Code 59-111-320, 1992).

ESTATE TAX

Estate Tax

The estate tax exemption will conform to the federal estate tax or a phased-in schedule by July 1, 1991 (Code 12-16-10, 1989). The first \$600,000 of an estate is exempt from tax. Estates valued over \$600,000 will only owe state tax in the amount equal to the state tax credit claimed on the federal return (Code 12-16-510, 1992).

Estates which pass to a spouse are not taxable, no matter the value (Code 12-16-20(3)(5), 1992).

FUNERAL

Cremation

Persons may authorize their own cremation and final disposition on a pre-need basis with a cremation authorization under the Safe Cremation Act (Code 32-8-315, 1994).

Pre-Need Contracts

Pre-need contract sellers are prohibited from calling on residents of nursing homes, hospitals or similar institutions. Sellers are also prohibited from contacting survivors of the deceased without request (Code 32-7-10, 1989).

HEALTH

Adult Day Care

The licensing authority for adult day care facilities is established under the Department of Health and Environmental Control (Code 44-65-10, 1976).

Uniform statewide fire regulations pertaining to adult day care centers are enacted (B&C Board - State Fire Marshall, Regulation 19-300.11, 1986-88).

Adult Day Care Needs of State Employees

The Division of Human Resource Management of the State Budget and Control Board is directed to study the adult day care service needs of state employees who currently are taking care of family members and to examine ways of providing state-supported adult day care services. Report published April 1991 (Jt. Res., Act 618, 1990).

Certificate of Need Application - Nursing Home Beds

Barriers to the Certificate of Need application for nursing home beds are removed (Code 44-7-230, 1979).

Definition of Death

The Uniform Determination of Death Act defines death as 1) irreversible cessation of circulatory and respiratory functions or 2) irreversible cessation of all functions of the entire brain, including the brain stem (Code 44-43-460, 1984).

Eyeglasses Discounts

Special discounts for ophthalmic products for persons over 62 are allowed (1978). The age provision is struck; certain price and offer termination information is required (Code 40-37-180, 1978, 1982).

Food Donation

Donations of food to a nonprofit charitable organization or food bank by a food facility are authorized (Code 15-74-10-30, 1990).

Health Maintenance Organizations

The Department of Insurance and the Department of Health and Environmental Control are charged with the regulation of health maintenance organizations (Code 38-33-10, 1987).

Hearing Aid Regulations for Fitting and Selling

South Carolina statutes govern the licensing of persons who fit and sell hearing aids, and regulate the manner in which they conduct their business (Code 40-25-40, 1971, 1972, 1978). A representative of the general public is added to the Hearing Aid Dealers and Fitters Commission within DHEC (Code 40-25-40, 1978). Licensing regulations are amended to provide continuing education requirements (Code 40-25-150, 1982). Hearing aids and their attachments are exempt from sales tax (Appropriations Act 201, 1985; Code 12-36-2120(38)). Board of Hearing Aid Fitters and Dealers added for termination June 30, 1991, under the Sunset Legislation (Code 1-20-50, 1989). Name changed to Commission on Hearing Aid Specialists and other revisions, including licensing of audiologists. (Code 40-25-10-190, 1992).

Home Health Agency Licensure

Public, nonprofit and proprietary home health agencies must be licensed by DHEC, (Code 44-69-30, 1978) and obtain a Certificate of Need prior to licensure (Code 44-69-75, 1980).

Any person, organization, political subdivision, or governmental agency representing itself as providing home health services must be licensed by DHEC (Code 44-69-30, 1983).

Home Health Aides and Homemaker Certification

The SC Commission on Aging (Division of Aging, Office of the Governor, 1993) is authorized to receive and expend registration fees for education, training, and certification programs for Home Health Aides and Homemaker Certification. (Code 43-21-40(h); 1992).

Hospice

The authority to regulate and license hospice programs is established under the Department of Health and Environmental Control (Code 44-71-10-110, 1983).

Human Services Coordinating Council

The Human Services Coordinating Council is continued and assumes the duties and responsibilities of the Aging Coordinating Council and the Long Term Care Council. A Long Term Care Standing Committee is specified for the Council with representatives from the long term care and insurance industries and the general public (Appropriation Act, H.4820, Part I, 129.19, 1994).

The Human Services Coordination Council shall appoint an Advisory Committee on the future of public health in South Carolina (Jt. Resolution, R 541, 1994).

Hypertension Screening Clinics

The Department of Health and Environmental Control shall establish a network of Hypertension Screening and Treatment Clinics throughout the state to detect and treat hypertension (high blood pressure). This condition, often symptomless, occurs more than twice as often among people aged 65-80 than in the general population (Appropriations Act 1136, Part I, Section 39, 1974; Appropriations Act 237, Part I, Section 40, 1975).

Itemized Billing

Skilled nursing homes, intermediate care facilities and residential care facilities are required to provide on request an item-by-item billing of all charges for all services to the patient or person paying the bill (Code 43-28-50, 1985).

Licensing

Grounds for immediate suspension of a health facility's license are provided (Code 44-7-320, 1992).

Long Term Care Council

The Long Term Care Council is created. Voting members are the Governor, or designee and human service agency heads. Nonvoting ex-officio members are the Chairs of the Joint Legislative Health Care Planning and Oversight Committee and the Aging Committee or their designees and gubernatorial appointees as follows: one

representative of long term care providers, one of consumers and one of the insurance industry developing or marketing a long-term care product. The purpose of the Long Term Care Council is to identify future policy issues in long term care and to conduct research and demonstration activities related to these issues. The Council shall develop recommendations for a statewide service delivery system for all health impaired elderly or disabled persons, regardless of the person's resources. An Annual Report to the General Assembly is required (Code 43-21-130, 140, 1987). The voting membership is revised to provide authority to vote for the chairs of the Committees on Aging and Health Care Planning and Oversight or their designees and the gubernatorial appointees and provide for the authorization of designees by agencies and Commissions (Code 43-21-130, 1991, REPEALED, 1994).

The Long Term Care Council shall study adult abuse. (Jt. Res., Act 178, 1991)(See Legal Affairs, p.)

The Long Term Care Council with the Department of Insurance shall develop programs regarding nursing home care, Medicaid/Medicare, long term care insurance and home equity conversion (Code 43-21-150, 1989).

A member of the Long Term Care Council shall serve on the Long Term Health Care Administrators Board (Code 40-35-20, 1990).

The Long Term Care Council with the Division of Veterans Affairs, Office of the Governor, is directed to study nursing home services provided in veteran's nursing homes to ascertain the appropriate state agency to assume administration of these homes and to report findings and recommendations to the House Ways and Means Committee and Senate Finance Committee before January 14, 1995 (Appropriation Act, Part I, 129.64, 1994).

The Long Term Care Council is abolished by a proviso on recommendation of the Legislative Audit Council in the study, "A Limited-Scope Review of Long Term Care and Related Services for the Elderly, 1993" (Appropriation Act, Part I, 129.19, 1994). See HEALTH, Human Services Coordinating Council, p.7.

Long Term Care Ombudsman

The Long Term Care Ombudsman Program in the Division on Aging, Office of the Governor, investigates any complaint on behalf of any interested party, client, patient, or resident in any hospital, rehabilitation facility, nursing home, intermediate and residential care facility. The release of medical records from a general hospital to the ombudsman upon written request is authorized. Entities may be designated by the programs in accordance with the federal Older Americans Act (Code 43-38-10, 1977, 1979, 1980, 1986, 1993).

Long Term Health Care Administrators Board

In order to serve as a nursing home administrator, an individual must complete educational and experiential requirements, as well as obtain a license from the Board of Nursing Home Administrators (Code 40-35-10, 1987).

The Board is renamed the Board of Examiners for Nursing Home Administrators and Community Residential Care Facility Administrators, and reconstituted to be composed of 9 members, appointed by the Governor with advice and consent of the Senate. Three must be qualified nursing home administrators, at least one from a nonproprietary home and one a qualified hospital administrator; 3 community residential care administrators; one from a facility with 10 or fewer residents; one consumer, sponsor, or family member of a consumer of nursing home services; one

the same for community residential care services and one a voting member of the Human Services Coordinating Council (Code 40-35-20, 1990, 1994).

The Board is reauthorized for three years (Code 1-20-60, 1992).

The name of the Board of Examiners for Nursing Home Administrators and Community Residential Care Facility Administrators is changed to Board of Long Term Health Care Administrators (Code 40-35-10, 1993).

Regulations relating to the licensing of the Board of Examiners for Long Term Health Care Administrators are passed (Code of Reg. 93-50-260, 1993).

Monetary Penalty System for Health Care Facilities

A monetary penalty system is established for the violation of licensing standards in hospitals, nursing homes, and intermediate care facilities (Code 44-7-360, 1976).

Nursing Home Sitter Contracts

A resident may contract for sitter services with persons not associated with the home, under certain conditions (Code 44-81-40(O), 1994).

Pharmacies, Out of State Regulation

Pharmacies located outside this state which ship, mail or deliver a controlled substance pursuant to prescriptions are regulated (Code 40-43-425, 1990).

Physicians, Retired

The SC Board of Medical Examiners shall promulgate regulations by November 1, 1992, for a special license for retired physicians who donate expertise to needy patients in underserved areas (Reg. 1545, Act 457, 1993).

Pre-Admission Notice to Nursing Home Applicants

All applications for admission to nursing homes must contain a notice signed by the applicant which informs the applicant of Medicaid eligibility requirements and recommends that a person be assessed prior to admission (Code 44-6-220, 1987).

Sick Leave for Immediate Family

The definition of "immediate family" is amended to include the mother, father, and spouse's mother and father. Grandchildren are also included if the worker is the child's guardian and primary caretaker (Code 8-11-40, 1988).

State Board of Medical Examiners

Physicians are allowed to supervise more than one physician's assistant which may enable nursing homes and other health providers to increase services (Code 40-47-25, 1987).

State Employee Leave Transfer Program

State employees may transfer annual or sick leave to another employee in the case of a personal emergency (Code 8-11-730, 1988).

HOMESTEAD TAX EXEMPTION

Application

Applications for homestead exemption are purchased and distributed to the counties by the Comptroller General's office (Code 12-37-250, 1979).

The requirement for annual reapplication is **REPEALED**. However, if a person's eligibility changes and the County Auditor is not notified, a lien or penalty may be imposed (Code 12-3-145, 12-37-255, 1981).

Written application must be made on or before July 15 of the tax year in which the exemption is claimed (Code 12-37-250, 1986).

The Auditor's Office may hold applications filed after July 15 until the following year if the applicant is qualified at the time of filing. Exemptions may be claimed for the following year (Code 12-37-250, 1989).

If an application is received after the deadline but before the 1st penalty date for that tax year, the taxes due must be reduced to reflect the exemption (Code 12-37-250, 1990).

Homeowners

Homeowners who are 65 or older and have resided in the state for at least one year should receive a homestead tax exemption which provides that the first \$20,000 of the fair market value of the dwelling place, including mobile homes on leased land, shall be exempt from municipal, county, school and special assessment real property taxes (Code 12-37-250, 1984).

History: 1971-1973, \$5000 county, school and special assessment; 1973-1977, increased to \$10,000; 1978-1980 increased to \$12,000 and extended to municipal property; 1980-1984, \$15,000; 1984, \$20,000; 1989 increase to \$25,000 in \$500 increments authorized, appropriation not available.

Life Estates

Life estates shall qualify for Homestead Exemption when the person entitled to the exemption creates such an estate by conveying the remainder to the homestead in fee reserving to himself or herself a life estate (Code 12-37-250, 1980).

Homestead Exemption shall apply to life estates created other than by will and on or before December 31, 1979 (Code 12-37-250, 1980).

Living Trusts

Otherwise eligible property qualifies for the homestead tax exemption if it is transferred to a revocable trust or personal residence trust (Code 12-37-266, 1993).

Notification

The South Carolina Comptroller General's Office is directed to study additional ways of notifying persons eligible for homestead tax exemption to enable them to apply before the deadline of July 16th of that tax year (Jt. Res., Act 630, 1990).

Part Ownership

The Homestead Exemption shall apply to eligible persons who own a dwelling in part in fee or in part for life and also to a dwelling when the legal title is held by a trustee. For purposes of the exemption, each owner shall be deemed to own equal interest in the homestead (Code 12-37-250, 1980). Beginning in 1991, the exemption will be applied on the basis of the percentage of ownership rather than on the assumption of an equal interest shared by the owners (Code 12-37-250, 1991).

Protection for Farmers

Congress is memorialized to include in the 1990 Farm Bill a Homestead Protection Provision for farmers and their spouses at least 60 years old (Con. Res., H.5161, 1990).

Qualification

Payment of real property taxes on or before March 15 following the year for which Homestead Exemption is claimed shall not be a condition to qualify for the exemption (Code 12-37-250, 1980).

Reimbursement

Counties and municipalities are reimbursed by the state for losses they incur by reason of granting the exemption (Code 12-37-270-280, 1971).

Residential Classification

The classification of property qualifying for the Homestead Exemption shall be residential and taxed on an assessment equal to 4% of the property's fair market value (Code 12-37-250, 1980).

Any agriculturally classified lands that are a part of the homestead shall be taxed on an assessment equal to 4% of the lands' value for agricultural purposes (Code 12-37-250, 1984).

Surviving Spouse

Exemption is provided for a surviving spouse 50 years of age or older. This exemption allows the surviving spouse nine months in which to obtain complete fee simple title to the homestead if spouse died intestate and to continue the exemption if the dwelling place is on leased land (Code 12-37-250, 1979). The surviving spouse may transfer such exemption to a newly acquired dwelling place (Code 12-37-250, 1982).

HOUSING**Condominium Conversion**

The rights and duties of owners, landlords and tenants when rental units are converted to condominium ownership are established. Persons 60 and over have 120 days before they must vacate. Persons under 60 have 90 days (Code 27-31-10-300, 410-430, 1983).

Continuing Care Retirement Communities

The Consumer Affairs Department with the Department of Insurance and the Commission on Aging (Division on Aging, Office of the Governor, 1993) shall study

the development of life care or continuing care communities in the State and report findings and legislative recommendations to the General Assembly by January 1, 1988 (Jt. Res., Act 165, 1987).

The Department of Consumer Affairs shall license and regulate continuing care retirement communities. Communities which furnish board or lodging together under contract with nursing, medical, or other health-related services are considered continuing care facilities. If the contract is made with a person 65 or older, or requires an entrance fee or provides services for more than one year the community must be licensed. Institutions operating solely as a nursing home or community residential facility licensed by DHEC are not included (Code 37-11-10, 1989).

The effective date of Title 37-11-10 is changed to 1991 (Appropriations Act 612, Part II, Section 70, 1990).

The Department of Consumer Affairs is allocated monies and a position for an auditor in order to begin the licensing of continuing care retirement communities, under the Act passed in 1989 (Appropriations Act 171, Section 80, 1991).

Regulations under which CCRC's shall be licensed are promulgated by the Dept. of Consumer Affairs and passed by the General Assembly (Dept. of Consumer Affairs Regulations 28-600, 1992).

Amendments require an operator of a Continuing Care Retirement Community (CCRC) to obtain approval from the Department of Consumer Affairs to distribute a dividend or similar distribution; to require an operator of a CCRC to submit a financial plan to the Department for approval if the Department has reason to believe the operator is or may become insolvent; to exempt from certain licensing requirements CCRC's which do not require entrance fees; to revise information that must accompany license application. (Code 37-11-30, 95, 105, 135, 1995).

Community Residential Care Administrators

Community Residential Care Administrators must be licensed and regulated by the State Board of Examiners for Nursing Home Administrators and Community Residential Care Facility Administrators (changed to Board of Long Term Health Care Administrators, 1993) composed of 9 members, appointed by the Governor with advice and consent of the Senate. Three must be Community Residential Care Administrators, who after July 1, 1992 must be licensed, with at least one from a facility with 10 or fewer residents (Code 40-35-10-140, 1990).

Community Residential Care Facilities

Licensing of community residential care facilities under DHEC is consolidated with the exception of those serving children and adolescents which are under the State Department of Mental Health. Each client must have an individual plan of care and itemized billing (Code 44-7-130, 44-21-510, 1985).

Landlord-Tenant Regulations

The SC Residential Landlord and Tenant Act regulates the renting and leasing of dwelling units, establishes jurisdiction over the parties involved, and provides for landlord and tenant obligations, liability and remedies (Code 27-40-10, 1986).

Manufactured Home Park Tenancy Act

This act provides for the rights and obligations of manufactured home parks of five lots or more and manufactured home owners. Although it does not address the length

of the lease, it does specify that the lease must be in writing and the areas it should cover. This Act is patterned after the SC Landlord Tenant Act and laws in other states (Code 27-47-10-620, 1991).

Non-Profit Housing Corporations

Property tax exemptions for below cost and supportive housing for aged and/or handicapped persons are extended to non-profit housing corporations (Code 12-37-220(B)(11), 1994)

Reverse Mortgage (Home Equity Conversion)

The State Housing Authority is authorized to make home equity conversion mortgages to any person who is a member of the beneficiary class and over sixty-five years of age. Monies received under this program would not affect Medicaid eligibility (Code 31-3-140, 1988).

The S. C. Commission on Aging (Division on Aging, Office of the Governor, 1993) in cooperation with the Long Term Care Council and the Department of Insurance is required to develop programs and educate citizens regarding availability, risks, insurance coverage for long term care and the availability of home equity conversion alternatives (Code 43-21-150, 1987).

South Carolina Reverse Mortgage Act: The SC Reverse Mortgage Act, on recommendation from the Task Force, defines "reverse mortgage," and provides rules governing these mortgages. The Housing Finance and Development Authority shall develop for lenders a statement regarding independent counseling services for borrowers and the Division on Aging shall provide consumer information on reverse mortgages and their alternatives (Code 29-4-10, 1994).

Study: A study of the housing needs of low to moderate income elderly with special attention to reverse mortgage programs (home equity conversion) will be conducted by the SC Commission on Aging (Division on Aging, Office of the Governor, 1993) with the cooperation of the State Housing Finance and Development Authority. Report date September 1, 1992 (Jt. Res., Act 179, 1991).

Task Force: The SC Commission on Aging (Division on Aging, Office of the Governor, 1993) in cooperation with the South Carolina Housing Finance and Development Authority is directed to establish a task force to study home equity conversion mortgages and report to the Joint Legislative Committee on Aging by September 8, 1993 (Jt. Res., Act 193, 1993).

Rolling Green Retirement Community

To include Rolling Green Retirement Community (Greenville County) as a bird sanctuary (Code 50-11-870, 1995).

South Carolina Fair Housing Regulations

Among other provisions the Human Affairs Commissioner is directed to develop regulations regarding housing for older persons (Code 31-21-30(8), 1989).

State Housing Authority

The State Housing Authority is established and its purpose among others, is to encourage the growth of specialized housing for the elderly (Code 31-3-110, 1971).

Tax Exemption for Nonprofit Housing for the Elderly

Private, nonprofit organizations are exempt from real estate taxes on property used as specialized housing for the elderly. Notification to the Department of Revenue and Taxation is required. (Code 12-37-220(B)(11), 1980, 1992).

INCOME TAX

Federal taxable income is the starting point in determining state income tax liability. The income tax rates are graduated from 2.5% on the first \$2,000 of taxable income to 7% on income greater than \$10,000. The tax brackets are indexed each year for inflation. Code 12-7-20(11) is the conforming statute and is updated every year.

Dependent Care Credit

Families caring for an elderly relative in their home who must hire caregivers in order to work may deduct up to 7% of the expenses claimed on their federal income tax return (Code 12-7-1230, 1987).

Nursing Home, Home or Community Care Credit

An income tax credit of 20 percent, not to exceed \$300, is allowed for expenses paid for intermediate or skilled care to an institution. No tax credit is allowed for expenses paid from public source funds. The credit is nonrefundable (Code 12-7-1235, 1987).

This credit is extended for payment to a provider for home or community care for persons determined to meet nursing facility level of care criteria, certified by a licensed physician (Code 12-7-1235, 1992).

Older Americans Act

Congress is memorialized to enact the amendment to the Older Americans Act which raises the exemption to one thousand dollars for money earned to benefit poll managers in the upcoming elections (Con. Res., H.4783, 1992).

Residential Exclusion

The gain on the sale of the personal residence by an individual 55 or older conforms to the Internal Revenue code and excludes from gross income for the purposes of state income tax up to \$125,000, as a one-time residential exclusion (Code 12-7-20(11), 1985).

Retirement Exclusion

State retirement income is exempt from state income tax (Code 9-1-1680, 1945; 12-7-435(d), 1986; REPEALED 1989).

Civil service, military and all other retirees, are allowed to exclude from taxable income up to \$3000 of the pension income from each qualifying plan received in the taxable year (Code 12-7-435, 1985). For tax years 1991 and 1992, retirees can take only one \$3,000 exemption per year. Beginning tax year 1993, all retirees are allowed the option of either continuing to receive the \$3,000 exclusion annually upon retirement or waiting until age 65 to receive one \$10,000 exclusion annually (Code 12-7-435(K), 1991). If the surviving spouse also has another retirement income, an additional retirement exclusion is allowed (Code 12-7-435(K)(5), 1994).

Provisions relating to abatement and refund of all taxes, not just income, do not apply when a court decision declares a tax law unconstitutional. This section does not apply to returns made under protest (Code 12-47-445, 1989, 1991).

State and federal computations for considering retirement deductions for income tax purposes for 1989 and thereafter are conformed (Code 12-7-441, 1989).

Social Security Exemption

State taxation of income from Social Security and Railroad Retirement Benefits is prohibited (Code 12-7-430(A), 1984).

Taxpayers Bill of Rights

The rights, privacy and property of South Carolina taxpayers are protected during the process of the assessment and collection of taxes (Preamble)(Code 12-54-710, 1989).

Volunteer Mileage Deduction

Volunteers may deduct 14 cents per mile for travel for charitable organizations (Code 12-7-700, 1984). REPEALED by Act 101, SC Federal Income Tax Conforming Amendments, effective May 21, 1985, allowing 12 cents. This is not deducted on the state return. It is allowable only to those itemizing on the federal return (Code 12-7-10, 1985).

INDUSTRY

Senior Living Industry

The SC Dept. of Parks, Recreation and Tourism shall study the economic impact of the Senior Living Industry in South Carolina in cooperation with the Coordinating Council for Economic Development and shall report findings and legislative recommendations to the Joint Legislative Committee on Aging (Appropriations Act 189, Proviso, Section 66.10, 1989).

INSURANCE

Driver Training Automobile Insurance Credit

Automobile insurance credit is mandated for successful completion of a driver training course approved by the Department of Public Safety (Code 38-73-737, 1994).

"Free Look"

Accident and health or hospitalization insurance policies must permit the insured to return such policy for any reason within ten days of delivery and if solicited by direct response insurer, the insured shall have 30 days in which to return the policy and to receive full return of the premium (Code 38-71-150, 1982).

Health and Dental Insurance

County councils on aging or other governmental agencies providing aging services funded by the Division on Aging, Office of the Governor, are included as entities whose employees and retirees are eligible for state health and dental insurance (Code 1-11-720(A), 1994).

Health Insurance Pool

A South Carolina Health Insurance Pool is created for persons unable to obtain coverage otherwise (Code 38-74-10, 1989).

Health Maintenance Organizations Regulations

Health Maintenance organizations are regulated (Code 38-33-10, 1987).

Liability Insurance

The State Budget and Control Board, through the Division of General Services, is authorized to provide liability insurance for all state agencies, students of state-supported schools, and any political subdivision of the State (Code 1-11-140, 1984).

Life Insurance Benefit Withdrawal

The Department of Insurance may approve new policies which provide for the withdrawal of death benefits by owner for life threatening illness/long term care (Code 38-1-20, 1990).

Long Term Care Insurance Act

The Insurance Commissioner is required to submit regulations to the General Assembly to carry out definitions and requirements for the issuance of long term care insurance policies in South Carolina (Code 38-72-60, 1988).

Portions of the Long Term Care Insurance Act are conformed to the National Association of Insurance Commissioners' Model Act to include: 1) no prior hospitalization requirements 2) no higher level of care necessary before eligibility for lower level of care 3) preexisting conditions period changed from twelve months to six months (Code 38-72-20, 40, 60, 1990).

The "Requirement for Home Care" under the regulations passed in 1989, suspended until June 30, 1991, is **REPEALED**. The Long Term Care Insurance Act is amended to provide that all insurers issuing long term care policies must offer at the time of the application an optional benefit which provides that when the insured meets the requirements under the policy that care in a nursing home or community care facility is necessary, the insured may choose to receive the necessary care in the home or community with daily benefits at the same level that is paid for facility care. A home health care benefit, at a lesser rate, may be offered when care in the home only is necessary.

The effects of this mandate are to be evaluated by the SC Commission on Aging (Division on Aging, Office of the Governor, 1993) in cooperation with the Joint Legislative Committee on Aging and the Department of Insurance with a report back to the General Assembly in 1995 and 1997 (Code 38-72-20, 40, 60, 1991).

Long Term Care Insurance Information

The S. C. Commission on Aging (Division on Aging, Office of the Governor, 1993) in cooperation with the Long Term Care Council and the Department of Insurance is required to develop a program to educate citizens regarding availability of services, lifetime risk of nursing home care, limitations of Medicare, Medicaid and private insurance coverage for long term care and the availability of home equity conversion alternatives. The Pre-retirement Education Program of the SC Retirement System must include this program (Code 43-21-150, 1987).

Long Term Care Insurance Regulations

The SC Department of Insurance promulgated regulations following the passage of the Long Term Care Insurance Act. Products sold under these regulations must not exclude coverage for Alzheimer's Disease, must provide for continuation and conversion privileges, must provide coverage for treatment whether it is received in the home or a facility (Sec. 3.E.), must contain an option for inflationary protection, and must prescribe a standard format and outline of coverage (SC Insurance Dept. Reg. 69-44, Effective Date Dec. 20, 1989)

The "Requirement for Home Care" (Section 3.E. of Regulation 69-44) was suspended until June 30, 1990 (Jt. Res., Act 640, 1990) and until June 30, 1991 (Jt. Res., Act 667, 1990) and REPEALED by Act 165, 1991 (Code 38-72-20, 40, 60, 1991).

Long Term Care Insurance for State Employees

The Retirement System shall develop an optional long term care insurance program for active and retired members of the system, and the member shall pay the full insurance premium (Code 9-1-70, 1988). REPEALED by Act 458, Section 2, 1990.

The Division of Insurance Services may (changed from must) develop an optional Long Term Care Insurance program depending on availability of a qualified vendor (Code 1-11-440, 1990).

Medicare Supplement Insurance Regulations

Department of Insurance regulations eliminate unfair and deceptive practices in the promotion, solicitation, sale and replacement of individual accident and health insurance policies to persons who are qualified for Medicare by reason of age and to persons who have a current Medicaid eligibility card (Vol. 25--Rule 69-34.1.2. 1980).

Group Medicare Supplement insurance must meet federal minimum standards, including seventy-five per cent loss ratio. The Chief Insurance Commissioner shall promulgate regulations containing the Standards for "Medigap" insurance policies (Code 38-71-730, 1982, 1990), (Regulations 69-46, 1991).

Standards of Readability

Department of Insurance regulations must provide for minimum standards of readability of commonly purchased insurance policies (Code 38-61-30-50, 1978).

JURY SERVICE

Age Discrimination Eliminated

Persons 65 or over have the option to serve as jurors or to be excused. Jurors are excused upon telephone confirmation of exempt status (Code 14-7-840, 1986, 1992).

LEGAL AFFAIRS

Adult Abuse

The Long Term Care Council is directed to study and recommend a system for investigating and prosecuting adult abuse, neglect and exploitation; to clarify the roles and responsibilities of those agencies in the system and report to the Joint Legislative

Committee on Aging (Preliminary Report, 1992; Final Report, April 24, 1992)(Jt. Res., Act 178, 1991).

The Omnibus Adult Protection Act, recommended by the Long Term Care Council Task Force Report, 1992, repeals the Protective Services for Developmentally Disabled and Senile Persons (Code 43-29-10-100, 1974, 1979, 1984, 1990) and the Client-Patient Protection Act (Code 43-30-10-100, 1979, 1984) and establishes a statewide system to protect vulnerable adults from abuse, neglect or exploitation in the community and in facilities (Code 43-35-10, 1993).

Any law enforcement officer may take an adult in a life-threatening situation into protective custody and must immediately notify the Adult Protective Services program and the Department of Social Services in the county. (Code 43-35-55, 1984, 1994).

No vulnerable adult may be considered to be abused or neglected for the sole reason that, in lieu of medical treatment, the vulnerable adult is being furnished nonmedical treatment by spiritual means through prayer alone which the vulnerable adult has practiced freely in accordance with his or her religion (43-35-13, 1995).

Adult Health Care Consent Act

Family members or other surrogates are authorized to make health care decisions for persons other than children who are incapable of making such decisions for themselves. In an emergency health care may be provided to such persons without consent (Code 44-66-10, 1990).

Bill of Rights for Residents in Long Term Care Facilities

Each resident must be given by the facility a written and oral explanation of the rights, grievance procedures and enforcement provisions of the Bill of Rights for Residents of Long Term Care Facilities (Code 44-81-10-70, 1985).

The state "Bill of Rights for Residents in Long Term Care Facilities" is conformed to federal law. Included is the right to be informed of the refund policy, to choose a physician, and family access. This state Bill protects each individual from violation of his/her rights without establishing a pattern of violation, necessary under federal law. It provides coverage for individuals in facilities that do not accept Medicaid or Medicare (Code 44-81-40, 1992).

Civil Liability Immunity - Health Care Providers

Health care providers are immune from civil liability when providing free and voluntary medical services at locations other than hospitals and designated locations unless the health care provider was grossly negligent or acted in willful misconduct. The agreement to provide a voluntary non-compensated service must be made prior to the service (Code 33-79-30, 1988, 1994).

Death With Dignity (Living Will)

An adult may make a written declaration as prescribed by law instructing his/her physician to withhold or withdraw life sustaining procedures in the event of a terminal condition (Code 44-77-10-160, 1986; Amended, 1988, 1991).

The 1988 Act is amended to include coverage of permanent unconsciousness (persistent vegetative state) and to provide the opportunity for the declarant to specify whether or not he/she wants to receive artificially administered nutrition and hydration and to name an agent to enforce or revoke the Declaration. Previously executed living

wills remain valid. However, in order for permanent unconsciousness to be covered a new declaration as provided must be executed (Code 44-77-10-160, 1991).

Durable Power of Attorney

The Durable Power of Attorney statute authorizes "springing" durable powers of attorney (not effective until principle becomes disabled), and specifies that a durable power may be used to assign authority to make decisions concerning health care (Code 62-5-501, 1990).

A Durable Power of Attorney valid in another state is valid in South Carolina and may be recorded (Code 62-5-501, 1992).

Emergency Medical Services (EMS) Do Not Resuscitate Order Act

The "Notice to EMS Personnel" signed by a terminally ill patient and his/her physician will prevent EMS personnel from employing resuscitative measures or any other medical process, as previously required by law, that would only extend the patient's suffering for no viable medical reason. DHEC will promulgate regulations to assist EMS in identifying patients who have executed the Notice (Code 44-78-10, 1994).

Grandparent Visitation

The family court, under certain conditions and after a written finding, may order periods of visitation for the grandparents of a child (Code 20-7-420(33), 1983, 1994).

Health Care Power of Attorney

Authority to consent or withhold consent to health care is recognized as valid under the Power of Attorney (Code 62-5-501, 1990). A form for individual health care, "Health Care Power of Attorney," is provided for by statute (Code 62-5-504, 1992).

Probate Court

The SC Probate Code is revised to simplify and clarify the law to promote a speedy and efficient system for estate liquidation and distribution, and to make the law uniform among various jurisdictions (Code 62-1-100, 1986; Technical amendments, 1987).

The bond requirement for the personal representative to be expressly waived is eliminated (Code 62-3-603, 1989).

The flexibility of the Probate Court to make health care decisions for an incapacitated person or to authorize a temporary or limited guardian to do so is increased (Code 62-5-304, 309-11, 1990).

Determination of fees and costs in estate and conservatorship proceedings is changed and retroactive refund after August 15, 1994 is provided (Code 8-21-770(B), 1995).

MEDICAID

Medicaid Certified Nursing Home Beds

DHEC is authorized to construct 1500 Medicaid certified nursing home beds and provide adequate funds, contract with nursing homes in Georgia and North Carolina

or provide care, and expand the hospital "swing bed" program (Jt. Res., Act 213, 1989).

Procedures for intermediate sanctions for Medicaid certified nursing home beds are provided (Code 44-7-200-230, 1990).

Medicaid Estate Recovery Act

States are mandated to seek adjustment or recovery of certain medical assistance correctly paid on behalf of nursing home patients or Community Long Term Care patients under the State Medicaid plan (federal Omnibus Budget Reconciliation Act, Section 13612, Title XIX, Social Security Act). If amendments to grant states' options are enacted, the State Health and Human Services Finance Commission shall seek recovery only from institutionalized patients under certain conditions (Code 43-7-460, 1995).

Medicaid Fraud

Fraud by Medicaid providers and recipients is defined. Civil and criminal penalties for violations are provided (Code 43-7-60, 1994).

Medicaid Income Limitations

The state limitation on the maximum income a person may receive and be eligible for skilled and intermediate nursing care is increased annually to be in line with the federal limitation (beginning in 1979, Appropriations Act, Part I, Section 42).

Nursing Home Medicaid Days Permit

The SC General Assembly will establish the maximum number of Medicaid patient days which DHEC is authorized to issue Medicaid nursing home permits (Code 44-6-220; 44-7-130, 1987).

MEDICARE

Medicare Premiums, Benefits, Budget

Members of the General Assembly memorialize the United States Congress either to reduce South Carolina Medicare premiums or to equalize benefits to persons across the nation and to protect Medicare in its budget deliberations for Fiscal Year 1991 (Con. Res., S.1014, 1990).

MENTAL HEALTH

Emergency Admission

Results of a complete physical examination for persons 55 or older must accompany a petition for emergency admission to a mental health facility (Code 44-17-415, 1987).

Long Term Care Division

There shall be a Long Term Care Division within the SC Department of Mental Health under the direction of a deputy commissioner. The primary responsibility of this division shall be to provide care and treatment of mentally and physically handicapped elderly persons to the extent that their needs are not met by other facilities either public or private (Code 44-9-50, 1976).

Transportation

Friends and relatives may transport individuals alleged to be mentally ill and requiring immediate care, to the appropriate health facility (Code 44-17-440, 1982).

RECREATION**Free Hunting and Fishing Licenses**

Citizens who have resided in the State for at least one year and are 65 years of age or older, are eligible for free hunting and fishing licenses from the Department of Wildlife and Marine Resources (Code 50-9-840, 1978).

Congress is memorialized to enact legislation for a person sixty-five years of age or older to obtain a hunting or fishing license or permit without cost (Con. Res., H.3410, 1990).

Free Admission to Certain State Park Facilities

South Carolinians age 65 or older are admitted without charge to state park facilities (except overnight lodging, and recreation buildings) and are granted half-price admission to campsites (Code 51-3-60, 1973, 1975, 1979).

New Horizons Development Authority

The New Horizons Development Authority is created. One purpose of the Authority is to develop a major lake and statewide recreation facility for the pleasure and enjoyment of all people of South Carolina and for the purpose of recreation, research and experimentation with special emphasis on the recreation facilities and activity needs of the aged, and the physically, socially, and mentally handicapped (Code 13-11-10, 1974, 1987).

Set Hooks Permit

Persons sixty-five years of age or older and minors under the age of sixteen are not required to purchase a set hook permit but shall attach an identification tag to the device (Code 50-13-1155, 1990).

RESOLUTIONS, CONCURRENT**Harry R. Bryan of Richland County**

To recognize and commend Harry R. Bryan, Executive Director of the SC Commission on Aging for his unselfish service and wish him all the good things in his retirement years (H.3267, 1986).

Carolina Home Injury Prevention for Seniors

To recognize and congratulate Carolina Home Injury Prevention for Seniors (CHIPS) projects for contributing to the health and safety of our elder citizens (H.4419, S.1008, 1994).

Arthur Dexter of Aiken County

To recognize Arthur Dexter of Aiken County as 1989 "Outstanding Older South Carolinian" awarded by the SC Commission on Aging (H.4029, S.770, 1989).

Dr. Allen D. Edwards of York County

To recognize Dr. Allen D. Edwards of Rock Hill upon receiving the 1995 Outstanding Older South Carolinian Award presented by the Office of the Governor, Division on Aging (H.4214, S.805, 1995).

John W. Fling of Richland County

To recognize John W. Fling of Richland County upon receiving the 1994 Outstanding Older South Carolinian Award presented by the Office of the Governor, Division on Aging (H.5196, S.1404, 1994).

Representative Patrick Bradley Harris of Anderson County

To congratulate one of South Carolina's Most Outstanding Servants, The Honorable Patrick Bradley Harris, on the occasion of his Eightieth Birthday, April 9, 1991 (H.3922, 1991).

Dr. J. Carlisle Holler of York County

To recognize the life and death of Dr. J. Carlisle Holler (S.1084, 1990).

Dr. J. Obert Kempson of Richland County

To recognize Dr. J. Obert Kempson of Columbia as the "Outstanding Older South Carolinian," awarded by the SC Commission on Aging (S.979, 1991).

Lexington County Meals on Wheels Volunteers

To recognize and commend volunteers of the Lexington County Recreation and Aging Commission for the many tireless hours devoted to serving meals to the elderly and disabled residents (H.3722, 1995).

James T. McCain of Sumter County

To honor James T. McCain of Sumter County as "Outstanding Older South Carolinian," awarded by the SC Commission on Aging (H.4863, S.1535, 1992).

Congressman Claude Pepper of Florida

To recognize the contributions of the late Congressman Claude Pepper, Chairman of the Select Committee on Aging, US House of Representatives (S.827, 1989).

James A. Rogers of Florence County

To congratulate James A. Rogers of Florence County for winning the 1985 "Outstanding Older South Carolinian" award (H.3268, 1985).

Senator Hyman Rubin of Richland County

To commend and recognize the Hon. Hyman Rubin of Richland County as a member of the SC Senate and Chairman of Senate Medical Affairs and the Jt. Legislative Study Committee on Aging (H.2086, 1985).

Dr. Walter Douglas Smith of Florence County

To congratulate Dr. Walter Douglas Smith of Florence upon receiving the 1990 "Outstanding Older South Carolinian" award (S.1608, 1990).

Marjorie C. Stonebrook of Myrtle Beach

To recognize Marjorie C. Stonebrook upon receiving the 1993 Outstanding Older South Carolinian Award presented by the SC Commission on Aging (H.4168, S.754, 1993).

RESOLUTION, HOUSE

Dr. James I. Califf

To recognize the dedicated service of Dr. James I. Califf as Director, upon his retirement, from the Horry County Council on Aging. Presented by the House of Representatives. (1995)

Commission on Aging

To recognize the dedicated service of the Commission on Aging, its staff and its Boards over the years. Presented by the House of Representatives. (1994)

RETIREMENT

Cost of Living Increases in Retirement Benefits

Teachers, state employees and other public workers covered by the South Carolina Retirement System are granted increased benefits from the system, not to exceed four percent, when the cost of living rises (Code 9-11-310, 1974).

The maximum waiting period for cost of living increases for future retirees is reduced from 24 months to 12 months provided that retirement was in effect the previous July 1st. (Code 9-1-1810, 9-11-310, 1984). A special fund is created to administer the cost of living increase for retired members and beneficiaries of the system and to increase the employer rate of contribution (Code 9-1-100, 1980).

If the cost of living advances at least 3% for the two previous Decembers as measured by the Consumer Price Index, the retirement allowance must be increased by 4 percent to be received on July 1. In those years when it is less than 3%, retired members will receive an increase equal to the Consumer Price Index (Code 9-1-1810, 9-11-310, 1984).

The cost of living increase of 4% is granted irrespective of the Consumer Price Index increase (July 1, 1987 only, Appropriations Act 170, Part I, Section 16.79, 1987).

Division of \$1 million among state employees and teachers who retired prior to July 1972 will be made in 1988 (Appropriations Act 658, Part III, Section 10.2, 1988).

The retirement benefits formula is increased from 1.7% to 1.82%. This provides a 7% increase for retirees effective July 1, 1989 (Appropriations Act 189, Part II, Section 60(B) 1989).

Death Benefit

If the most recent employer of a retiree is participating in the Group Life Insurance program at the time of the retiree's death, the beneficiary is entitled to the following death benefit: 10 years through 19 years service credit, \$1000; 20-29 years, \$2000; at least 30 years, \$3000. This benefit will cover all state employees, including school district employees and nearly all local government employees (Appropriations Act 201, Part II, Section 51; Code 9-1-1990).

Dental Insurance

The administrative costs of dental insurance for retirees will be funded from the health insurance reserve (Appropriations Act 512, Part I, Section 14, 1984).

Dues

Upon request from the retiree, the system may withhold dues for the State Employees Association (Appropriations Act 201, Section 8, VI, 1985; Code 8-11-83, 1987).

Early Retirement

Retirement is authorized at age 55 with at least 25 years of service credit and requires a penalty of 4% of the benefit for each year under 30 years service credit. A member who retires under age 60 with less than 30 years credit will not receive a cost-of-living increase until the second July 1st after age 60 or 30 years credit is reached. A member who retires under age 60 with less than 30 years credit must pay employee and employer premium for health and dental coverage until age 60 or 30 years credit is reached if the retiree desires this coverage. Payroll deduction to buy in out-of-state or federal service credit with an interest rate of prime plus 2% is authorized (Code 9-1-1515, 1990).

A retirement incentive of \$7500 or 25% of base salary, whichever is greater, is offered. Eligible employees may make a voluntary, but irrevocable election between August 1, 1993 - November 1, 1993 to retire by July 1, 1994 (Appropriations Act 1993-94, Code 59-103-15, 1993)

Earnings Limitation

The earnings limitation for retired members returning to employment covered by the Retirement System has been increased to \$12,000. This does not apply if retired mandatorily because of age pursuant to Section 9-1-1530 (Appropriations Act 1989, 1991, 1993, 1994).

Mandatory Retirement

Mandatory retirement on the basis of age alone is REPEALED to conform to the federal Age Discrimination in Employment Act. Tenured faculty, law enforcement officers and firefighters are exempt from protection until December 31, 1993. (Code 1-13-30,80(h); 1988). Until that time they may work only until age 72 with the approval of their employer. (Code 1-13-30,80(h), 1988). Conservation officers of the Law Enforcement section of the SC Wildlife and Marine Resources Department shall be retired at age 65 (Code 9-1-1535, 1982). Highway patrol officers must be retired at age 62 (Code 9-1-1537, 1986, REPEALED, 1994).

Medical Insurance

The State provides medical insurance for retired state employees and teachers (Appropriations Act 199, Part II, Section 27, Code 8-11-85, 1979).

Pre-retirement Education

A Pre-retirement Education Program for members of the South Carolina Retirement System is established (Appropriations Act 199, Part I, Section 15(15G), 1979; Part II 1982-83 - FY93-94). This program must include information on long term care, to include coverage by Medicare, Medicaid, private insurance and home equity

conversion, such as reverse annuity mortgages, sale-lease back arrangements, developed by the Commission on Aging (Division on Aging, Office of the Governor, 1993) the Long Term Care Council and the Department of Insurance (Code 43-21-150, 1987).

Retirement Exclusion

For tax years 1991 and 1992, retirees can take only one exemption of up to \$3,000 per year. Beginning tax year 1993, all retirees are allowed either to continue receiving the \$3,000 exclusion annually upon retirement before age 65 or waiting until age 65 to received one exclusion up to \$10,000 annually. (Appropriations Act 171, Part II, Sec. 3, Code 12-7-435(K), 1991).

Retirement and Years of Service

Members of the South Carolina State Retirement System may retire at 55 years or 60 years of age with reduced benefits (see Early Retirement); or after 30 years of service or 65 years of age with full formula benefits (Code 9-1-1510, 1975; Code 9-1-1515, 1990).

Retirement and Pre-retirement Advisory Board

A Retirement and Pre-retirement Advisory Board is established to review retirement and pre-retirement programs and policies, propose recommendations and identify major issues for consideration. Two of the members of the eight-member Board shall be retired. One member must be a law enforcement officer. (Code 9-2-10, 1976, 1991).

Retirement System Calculations

The multiplier fraction used to calculate allowances is increased. The percentage of retirement contributions is increased to 5% of all earnable compensation for Class I workers and 6% of all earnable compensation for Class II workers. Retirement benefits will be raised by approximately 10% (Code 9-1-1550, 1988, 1989).

SALES TAX

Eighty-five and Older Population

Persons 85 and older are exempt from the 1% additional sales tax that went into effect with passage of the Education Improvement Act. Sales tax charges are reduced from 5% to 4% (5% in local option counties) on tangible personal property for personal use. The Department of Revenue has cards available for distribution for eligible persons (Code 12-36-2620(2), 1984).

Food Stamp Purchase Exemption

State or local sales tax may no longer be charged on eligible items purchased with food stamps (Code 12-36-2120(1), 1985).

Hearing Aids and Attachments

Hearing aids and attachments are exempt from sales tax. (Appropriations Act 201, Code 12-36-2120(38), 1985).

Home Meals Exemption

The gross proceeds of the sales of meals provided at home to elderly or disabled persons by nonprofit organizations that receive only charitable contributions in addition to sale proceeds are exempt from sales tax (Code 12-36-2120(10)(b), 1987).

Prescription Drugs and Prosthetic Devices Exemption

Persons 65 years of age and older are exempt from paying sales tax on prescription drugs and prosthetic devices. Age is reduced to 50 (Code 12-35-560, 1973, 1974). The sales tax on prescription drugs and prosthetic devices is **REPEALED**, therefore no special age exemptions are needed (Appropriations Act 709, Part II, Section 22, 1976).

Medicine and prosthetic devices sold by prescription are exempt from the sales and use tax (Code 12-36-2120(28), 1990).

SOCIAL SECURITY "NOTCH REFORM"

Social Security "Notch Reform"

Congress and the President of the U. S. are memorialized to enact legislation to equalize old age benefits under Social Security for persons who have similar wage histories, regardless of the date they become age 62 (Con. Res., S.370, 1987).

STUDIES AND PUBLICATIONS

The following studies and publications are located at the Jt. Leg. Committee on Aging office:

- Final Report, Advisory Committee on Adult Abuse, Neglect and Exploitation of the Long Term Care Council, April 1992.
- Adult Day Care Needs of State Employees, p.6.
- Aging in South Carolina: Focus on Caregiving Study, 1993.
- Aging Resources, 1995.
- Alzheimer's Disease and Related Disorders Registry, Annual Report, p.1.
- Alzheimer's or Dementia Specific Care Units: Should They Be Regulated?, 1995
- An Alternative Approach to Studying Caregivers, 1993.
- Annual Reports, 1970-1995.
- Consumer's Guide to Long Term Care Insurance in South Carolina, 1990.
- Declaration of a Desire for a Natural Death form, as amended 1991.
- Directory of Housing for Seniors in SC, 1994.
- Discovering South Carolina, 1994.
- Economic Impact of the Senior Living Industry in SC, 1991.
- Elder Abuse: Questions and Answers, NCEA, 1995.
- Final Report: SC Community Long Term Care Waiting List Study, 1993
- Gray Plague of the Twenty-First Century: Meeting the Needs of Individuals with Alzheimer's Disease, Their Families and Caregivers, Alzheimer's Task Force, November 1993.
- Greying of South Carolina: Facing the 90's, Final Report, 1990.
- Health Care Power of Attorney form, as revised 1992.
- Health Care for the Medically Indigent of SC: Health Assess Update, Summary Report, 1992.

- Health of an Aging America: 1994 Bibliography, 1995.
- Highlights of Trends in the Health of Older Americans: United States, U.S. Dept. of Health & Human Services, 1994.
- Homestead Tax Exemption Program, Comptroller General, 1994.
- In-Home and Community-Based Services Position Paper, 1993.
- Laws, Regulations, Policies & Procedures Affecting the Aged/Disabled Drivers of SC, 1992.
- Legislative History "Living Will" and Health Care Power of Attorney, 1977-1992.
- Long Term Care and Related Services for the Elderly, Limited-Scope Review, 1993.
- Long Term Care Insurance Act Evaluation pending 1995, 1997, p. 17.
- Medicare Supplement Insurance Standardization Comparison of Annual Premium Rates in SC, Dept. of Insurance, 1995.
- Older Americans Act 1993.
- Panel Study of Older South Carolinians, 1990.
- Profiles of Long Term Care Systems, AARP, 1994.
- Report on the Study of Applicants Seeking Medicaid-Sponsored Nursing Facility Care in South Carolina, H&HSFC, 1993.
- SC Long Term Care Council Continuum of Care Policy Recommendations, 1992.
- SC Senior Citizens Handbook, A Guide to Laws and Programs Affecting Senior Citizens, SC Bar, 1993.
- Senior Housing Survey Report, 1993.
- State Plan on Aging, 1993-96.
- Study of Home Equity Conversion Mortgages in SC, 1993.
- State Services for Seniors in South Carolinians, 1981.
- Taxation and Poor in SC, 1987.
- Understanding Social Security, Social Security Admin, 1995
- Volunteers and the Law in SC, 1993.
- Volunteer Services Credit Program, p. 29.

TRANSPORTATION

Gas Tax Increase

The Select Oversight Committee is created to oversee the gas tax. The Committee may direct 1/4 of 1 cent, up to \$3 million, to fund public transportation activities (Code 12-27-1300, 1987, Appropriations Act 658, Part I, 124.22, 1988-1992).

Handicapped Parking

Agencies, organizations or facilities that transport disabled or handicapped persons may qualify for handicapped parking placards or license tags (Code 56-3-1910, 1993).

Interagency Council

The Interagency Council on Transportation is established to give advice and make recommendations to the Department of Highways and Public Transportation and to the General Assembly on all matters related to public transportation in the State. Member agencies and offices are: Office of the Governor, Office of the Lieutenant Governor, Regional Transportation Authorities, SC Association of Counties; SC Assn. of Regional Planning Councils, SC Commission on Aging (Division on Aging, Office of

the Governor, 1993); SC Department of Education, SC Dept. of Hwy. & Public Trans. (Dept. of Transportation, 1993); SC Parks, Recreation and Tourism, SC Dept. of Social Services, SC Dept. of Vocational Rehabilitation, SC Division of Energy Resources, SC House of Representatives, SC Motor Vehicle Management Office (SC Revenue and Taxation, 1993), SC Senate (Code 57-3-1010, 1978).

Public Transportation Funding

The Select Oversight Committee designated \$1,146,226 of the 3-cent gas tax increase to be a one-time allocation for capital equipment for elderly and handicapped needs. The provisions of this section are only until June 30, 1988 (Code 12-27-1300, 1987).

Regional Transportation Authority

Membership, powers, duties, and sources of funds of non-profit authorities existing for public purposes are set out (Code 58-25-10, 1983; 58-25-10-100, 1985).

Vehicle Registration Discount

For persons 65 years of age or older or handicapped, the annual registration fee for private passenger-carrying vehicles is ten dollars. The annual registration fee for any property carrying vehicle with a gross weight of five thousand pounds or less is fifteen dollars (Code 56-3-620, 1987).

VOLUNTEERS

Volunteer Services Credit Program

The Commission on Aging (Division on Aging, Office of the Governor) shall study the costs and benefits of establishing a statewide, computer based volunteer service credit program for persons 60 years or older who volunteer for homemaker and respite care for elderly persons. Report July 1, 1988 (Act 165, 1987).

VOTING

Absentee Ballots

Absentee ballots are provided for persons attending sick or handicapped persons (Code 7-15-320, 1987).

A person who is 65 years of age or older is qualified to vote by absentee ballot (Code 7-15-320, 340, 72 years-1992, 1995).

Access

Electors who because of physical handicap or age cannot enter the polling place or stand in line may vote outside the polling place utilizing the vehicle in which they drove or were driven to the polls (Code 7-13-771, 1986).

Registration by Mail

Any qualified citizen may register to vote by mailing or having delivered a completed application no later than 45 days prior to any election to his/her registration board. (Code 7-5-155, 1986). Voter registration is permanent and does not have to be renewed (Code 7-5-160, 1976).

White House Conference on Aging

The Division on Aging, Office of the Governor, is to provide information and recommendations to the General Assembly from the 1995 National and State White House Conference on Aging and the 1995 Governor's Conference on Aging for the members' use in developing aging policy and legislation (Jt. Resolution, H.3206, 1995).

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